

Mr. MILLER. I simply desire to say that at some future time I shall ask the Senate to listen to some remarks which I shall make on the lives of these distinguished persons, and after the adoption of these resolutions I will move an adjournment.

The resolutions were agreed to unanimously.

Mr. MILLER. Mr. President, out of respect to the memory of the three Representatives mentioned, two from New York and one from Wisconsin, I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 8, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 7, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

The following members appeared and took their seats: Mr. McMILLIN, Mr. STRUBLE, Mr. FUNSTON, Mr. RICE, Mr. MORGAN, Mr. LITTLE, Mr. COOPER, Mr. PETTIBONE, Mr. CALDWELL, Mr. MITCHELL, Mr. WAKEFIELD, Mr. HALE, Mr. DAWSON, Mr. MILLARD, Mr. HEMPHILL, Mr. J. M. TAYLOR.

INTERIOR DEPARTMENT, EAST WING.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a detailed estimate and plan of a proposed reconstruction of the east wing of the Interior Department building; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RESOURCES AND DISBURSEMENTS, PUBLIC PRINTER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Public Printer, also a statement of the resources and disbursements of his office for the first allotment period of the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, GALVESTON, TEX.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending that the amount of the former estimate for the public building at Galveston, Tex., be increased from \$125,000 to \$155,570.60; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUND OF DUTIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of refunds of customs duties for the fiscal year ended June 30, 1886; which was referred to the Committee on Ways and Means, and ordered to be printed.

COURT OF CLAIMS JUDGMENTS.

The SPEAKER also laid before the House a letter from the Clerk of the Court of Claims, transmitting a statement of judgments rendered against the United States during the year ended November 30, 1886, with a synopsis of the nature of the claims adjudicated; which was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The SPEAKER also laid before the House an estimate and report from the Court of Claims of the findings of fact and conclusions of law in cases of claims on account of spoliations committed by the French, considered by that court under the provisions of the act of January 20, 1885; which was referred to the Committee on the Judiciary, and ordered to be printed.

MAP OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior transmitting an estimate for the engraving of the sheets of the map of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. WARD, of Illinois, for this week, on account of sickness in his family.

To Mr. LOWRY, for one week, on account of important business.

To Mr. KING, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent that the States be now called for the introduction of bills, under the rule, as a great many members have bills which they desire to introduce at this time.

There was no objection, and it was so ordered.

REMOVAL OF DISABILITIES.

Mr. HERBERT introduced a bill (H. R. 10018) to remove certain

disabilities from citizens of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WRITS OF ATTACHMENT.

Mr. HERBERT also introduced a bill (H. R. 10019) to authorize State officers to issue writs of attachment returnable to the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED RULE.

Mr. HERBERT also offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the following be adopted as Rule XLVII: "The Committee on Rules may at any time, by a vote of a majority of its members, upon giving one day's notice, order for consideration any bill or resolution on the Calendar. When the hour fixed by such order shall have arrived the bill or resolution designated thereby shall be taken up, and until it is regularly postponed, or otherwise disposed of, no other business shall be in order, except questions affecting the privileges of the House or a member thereof."

JOHN AIGERY.

Mr. ROGERS offered the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House, to the widow or legal representative of John Aigery, late a laborer of the House of Representatives, a sum equal to his salary for six months, and also the necessary expenses of his last illness and funeral, not to exceed the sum of \$250.

JESSE COLE.

Mr. MARKHAM introduced a bill (H. R. 10020) for the relief of Jesse Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY LATHROP.

Mr. WAIT introduced a bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 10022) to change the law in relation to the amount of United States bonds required to be kept on deposit by national banks as security for their circulating notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. KLEINER (by request) introduced a bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUPREME COURT OF THE UNITED STATES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 10024) for the relief of the Supreme Court of the United States, and to expedite the dispatch of business in that court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLEMENTINE HARTINGER.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 10025) granting a pension to Clementine Hartinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OCCUPATION OF PUBLIC LANDS BY CATTLE COMPANIES.

Mr. HENDERSON, of Iowa, submitted the following resolution; which was referred to the Committee on the Public Lands:

Whereas there are large tracts of the public domain of the United States in several of the States and Territories being used by cattle companies and others as cattle ranges, and without paying any compensation for the use of said lands: Therefore,

Resolved, That the Committee on the Public Lands be required to investigate fully and report by bill or otherwise, at an early day, what legislation is needed to secure proper compensation to the General Government for the use of said lands, due regard being had to the right of homestead entry where any of said lands are suitable for agricultural purposes.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. LYMAN introduced a bill (H. R. 10026) to authorize the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. PETERS introduced a bill (H. R. 10027) to provide for the deposit of gold or silver coin, or gold or silver bullion, as security for the circulating notes of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LEVI P. METTZ.

Mr. PETERS also introduced a bill (H. R. 10028) granting a pension

to Levi P. Mettz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZA A. MOSES.

Mr. PETERS also introduced a bill (H. R. 10029) granting arrears of pension to Mrs. Eliza A. Moses; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M'CAFFREY.

Mr. PETERS also introduced a bill (H. R. 10030) granting a pension to James McCaffrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND ASHWORTH.

Mr. PETERS also introduced a bill (H. R. 10031) to increase the pension of Edmund Ashworth; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD WATERS.

Mr. PETERS also introduced a bill (H. R. 10032) granting a pension to Edward Waters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM K. COPELAND.

Mr. PETERS also introduced a bill (H. R. 10033) for the relief of William K. Copeland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OLIVER BELLAMY.

Mr. PETERS also introduced a bill (H. R. 10034) granting a pension to Oliver Bellamy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JENNIE LAWRENCE AND OTHERS.

Mr. PETERS also introduced a bill (H. R. 10035) granting a pension to Mrs. Jennie Lawrence, Charles Baker, and Ada Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSION.

Mr. PETERS (by request) also introduced a bill (H. R. 10036) granting arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. PETERS (by request) also introduced a bill (H. R. 10037) to increase certain pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. PETERS (by request) also introduced a bill (H. R. 10038) to increase the rate of pension for the loss of an eye or the sight thereof; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF CAVING BANKS, PLAQUEMINE, LA.

Mr. GAY introduced a joint resolution (H. Res. 217) authorizing the Secretary of War to authorize the Mississippi River Commission to protect the caving banks at Plaquemine, State of Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

ISIDORE DAIGLE AND ROSE DAIGLE WOODRUFF.

Mr. IRION introduced a bill (H. R. 10039) for the relief of Isidore Daigle and Rose Daigle Woodruff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERMS OF UNITED STATES COURT AT MISSISSIPPI CITY.

Mr. VAN EATON introduced a bill (H. R. 10040) to provide for holding terms of the United States court at Mississippi City, Miss.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB SURERUO AND WILLIAM H. BEHRENS.

Mr. BUCHANAN introduced a bill (H. R. 10041) for the relief of Jacob Sureru and William H. Behrens; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

OLEOMARGARINE.

Mr. PARKER introduced a bill (H. R. 10042) to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine;" which was read a first and second time.

The SPEAKER. Under the rules the bill will go to the Committee on Ways and Means.

Mr. PARKER. As this is a proposed amendment to a bill reported by the Committee on Agriculture, I move that it be sent to the Committee on Agriculture.

The SPEAKER. The question will be on the latter motion.

The motion was agreed to, and the bill referred to the Committee on Agriculture and ordered to be printed.

ALDEN L. WILLIAMS.

Mr. PARKER also introduced a bill (H. R. 10043) granting a pension to Alden L. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS EAST RIVER.

Mr. HEWITT introduced a bill (H. R. 10044) authorizing the construction of a bridge across the East River, between the city of New York and Long Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE P. LIVINGSTON.

Mr. PAYNE introduced a bill (H. R. 10045) granting a pension to George P. Livingston, late hospital steward, United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF MEMBERS ELECTED TO VACANCIES.

Mr. COX, of New York, introduced a bill (H. R. 10046) to amend and alter section 51 of the Revised Statutes of the United States; which was read a first and second time.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read.

The bill was read *in extenso* and then referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GROSVENOR (by Mr. THOMPSON) introduced a bill (H. R. 10047) amending the pension laws granting pensions to widows and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAUSE OF DELAY ON PUBLIC WORKS, ETC.

Mr. HERMANN submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Whereas, in the appropriation provided by the first session of this Congress for rivers and harbors, there are various sums for expenditure on public works in the Pacific northwest, especially for the locks and dam at the Cascades of the Columbia River, the continued improvement of the mouth of the Columbia River, for Yaquina Bay, Coos Bay, Coquille River, Willamette and Columbia Rivers below Portland City, Upper Willamette and Yam Hill Rivers, Upper Columbia and Snake Rivers, and for preliminary examinations and surveys of Siuslaw River, Tillamook Bay and bar, and Umpqua River above Scottsburg, which appropriations became available immediately following the approval of the River and Harbor act, August 5, 1886; and

Whereas operations (except of a minor character) for the expenditure of said appropriations have been deferred until the spring season of 1887, and the appropriation for the important canal and locks at the Cascades of the Columbia River, in Oregon, was delayed and not made available for active use until on or about October 10, 1886, thus prolonging the hopes of the people of the great Columbia basin for cheap transportation on a free river to the open sea; and

Whereas boards of trade of the prominent towns and cities interested in the commercial development expected from these works, and a water-way convention, composed of representatives from the whole of said Pacific northwest country, have called upon their Representatives in Congress to ascertain the cause of said delays: Therefore,

Resolved, That the Secretary of War be, and he is hereby, requested to report to this House the cause for delaying active operations on said public works so long after the passage and approval of the said act of Congress providing for the same.

FREMONT, ELKHORN AND MISSOURI VALLEY RAILROAD.

Mr. SCOTT introduced a bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. A. H. RUSH.

Mr. OSBORNE introduced a bill (H. R. 10049) authorizing an honorable discharge to be issued to A. H. Rush, late captain Company E, Sixteenth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. FRANK BELL.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 10050) to increase the pension of Capt. Frank Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE introduced a bill (H. R. 10051) for the erection of a public building at Charleston, S. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHANGE OF TIME FOR OPENING CONGRESS.

Mr. CRAIN introduced a joint resolution (H. Res. 218) proposing amendments to the Constitution to change the time for the beginning of the terms of Congress and the date of its annual meeting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BIGAMY.

Mr. TUCKER submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the 14th day of December, 1886, be set apart, immediately after the reading of the Journal, for the consideration of the Senate bill No. 10, and the amendment thereto reported by the Judiciary Committee of the House, en-

titled "An act to amend section 5332 of the Revised Statutes of the United States in reference to bigamy and for other purposes, approved March 22, 1882, and from day to day thereafter after the reading of the Journal until their consideration is completed subject to the consideration of revenue and general appropriation bills.

FOURTH COLLECTION DISTRICT, VIRGINIA.

Mr. WISE introduced a bill (H. R. 10052) to amend section 2552 of the Revised Statutes and to change the boundaries of the fourth collection district of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. BARBOUR (by request) introduced a bill (H. R. 10053) to amend the charter of the Capitol, North O Street and South Washington Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MAURICE RUDDLESDEN.

Mr. GIBSON, of West Virginia, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Maurice Ruddlesden in one of the appropriation bills the difference in the pay of a laborer and that of a messenger at the rate of \$3.60 per day from July 1, 1886, to June 30, 1887.

FOX AND WISCONSIN RIVERS.

Mr. GUENTHER submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Attorney-General of the United States is hereby directed to investigate the judgments and awards against the United States arising under an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin, approved March 3, 1875," and to report to this House at his earliest convenience the names of all such persons to whom amounts are justly due.

HENRY J. HUNT.

Mr. BRAGG introduced a bill (H. R. 10054) for the relief of Henry J. Hunt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI.

Mr. GIFFORD introduced a bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River, at a point to be selected within five miles of the city of Yankton, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. TOOLE introduced a bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DIVISION OF IDAHO TERRITORY.

Mr. TOOLE also introduced a bill (H. R. 10057) to annex a portion of the Territory of Idaho to Washington Territory and Montana Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will now recognize gentlemen who were not present in their seats when their States were called.

There was no objection.

CONSTRUCTION OF TARIFF ACT OF 1883.

Mr. BELMONT submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of the Treasury be requested to inform this House what interpretation is now given by the Treasury Department to the tariff law of 1883, which, in one section, declares that "fish, fresh, for immediate consumption," shall be free of tax on arrival at our sea ports or lake ports, and in another section declares that "foreign caught fish, imported fresh, shall be taxed at the rate of 50 cents for each hundred pounds;" and also to transmit to the House copies of all official correspondence, opinions, and decisions bearing on the subject, together with a statement of the duties collected each year since 1865 on the several descriptions of fish caught in the lakes or the Canadian tributaries thereof; and also on the several descriptions caught in the North Atlantic or on the shores of the islands thereof.

MINOR B. RUSSELL.

Mr. BELMONT also introduced a bill (H. R. 10058) granting a pension to Minor B. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DEAN.

Mr. BELMONT also introduced a bill (H. R. 10059) granting a pension to John Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTRACTION OF THE CURRENCY.

Mr. MATSON introduced a bill (H. R. 10060) to prevent a contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CATHARINE MAXWELL.

Mr. WARNER, of Ohio, introduced a bill (H. R. 10061) granting a pension to Catharine Maxwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER PEYRON.

Mr. NEECE introduced a bill (H. R. 10062) granting a pension to Peter Peyron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR OVERFLOWED LANDS.

Mr. PAYSON introduced a bill (H. R. 10063) to authorize the States of Illinois, Alabama, and Mississippi to prosecute certain claims as to swamp and overflowed lands, &c., in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. DINGLEY submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be amended as follows: "First. By adding at the end of paragraph 4 of Rule XXIII the following: 'Provided, That pending a motion that the House go into Committee of the Whole on the state of the Union, a motion shall be in order to designate a particular bill on the Calendar to be considered.'"
"Second. By adding to the second item of the seventh division of Rule XXIV the following: 'Second. House bills on the Calendars returned from the Senate with amendments: *Provided*, That pending a motion that the House proceed to the consideration of business on the House Calendar, a motion shall be in order to designate a particular bill on the Calendar to be considered.'"
"Third. By inserting after the words 'general appropriation bills,' in the first item of the seventh division of Rule XXIV, the following: 'Second. House bills on the Calendar returned from the Senate with amendments.'"

JOHN BANNISTER.

Mr. BURROWS introduced a bill (H. R. 10064) for the relief of John Bannister; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE BABCOCK.

Mr. BURROWS (by request) also introduced a bill (H. R. 10065) for the relief of Catharine Babcock, widow of Maj. Charles P. Babcock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MADEIRA AND CABADA.

Mr. RANDALL (by request) introduced a bill (H. R. 10066) referring the claim of Madeira and Cabada to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMODORE W. T. TRUXTON.

Mr. RANDALL also introduced a joint resolution (H. Res. 219) authorizing the promotion of Commodore W. T. Truxton, United States Navy, to the rank of rear-admiral on the retired-list and authorizing an allowance of pay; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON COMMERCE.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to submit for present consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Committee on Commerce be authorized to request the fixing of Thursday, the 16th day of December, 1886, for the consideration of bills reported from the Committee on Commerce.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MORRISON. Does the resolution make the usual reservation in favor of revenue and appropriation bills?

Mr. TUCKER. I think the resolution had better be referred to the Committee on Rules.

Mr. REAGAN. I will state to the gentleman from Illinois [Mr. MORRISON] that I am willing to insert the reservation of general appropriation bills and revenue bills.

The SPEAKER. The Clerk will report the resolution as now modified.

The resolution as modified was read.

Mr. O'NEILL, of Pennsylvania. I ask the Chairman of the Committee on Commerce whether that order will include the consideration of the Eads Ship Railway bill?

Mr. REAGAN. The resolution does not specify any particular measure; but I will state to my friend from Pennsylvania that under this order the consideration of the bill to which he refers will not be urged.

Mr. O'NEILL, of Pennsylvania. I simply asked the question for information.

Mr. PETERS. I desire to ask the Chairman of the Committee on

Commerce whether that order will include the Colorado Trail Cattle bill?

Mr. REAGAN. It includes any bill reported by the Committee on Commerce.

Mr. PETERS. Then I object.

Mr. DUNHAM. I suggest to the Chairman of the Committee on Commerce that that bill may be excepted, so as to obviate the objection of the gentleman from Kansas.

Mr. REAGAN. I ask that the resolution be referred to the Committee on Rules.

Mr. PETERS. If it is understood that that bill is not to be considered I withdraw my objection.

Mr. REAGAN. I will state to the gentleman from Kansas that we will not call up that bill under this resolution.

Mr. HATCH. I ask the gentleman from Texas if previous special orders are included in the reservation?

Mr. REAGAN. I suppose that would be determined under the usual rule as to priority of business.

Mr. HATCH. Unless there is a reservation of previous special orders already on the Calendar I shall have to object.

The SPEAKER. The Chair understands the gentleman from Missouri to object?

Mr. HATCH. I do.

Mr. REAGAN. I ask that the resolution be referred to the Committee on Rules.

There was no objection, and the resolution was so referred.

NATIONAL BANKING ASSOCIATIONS.

Mr. MILLER introduced a bill (H. R. 10067) to amend section VIII of the act approved July 12, 1882, to enable national banking associations to extend their corporate existence, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. As the regular order of business, the Chair will now proceed to call committees for reports.

The call of committees was completed, no reports having been made.

Mr. MORRISON and Mr. HATCH rose.

Mr. MORRISON. I rose for the purpose of moving that the House adjourn, as there seems to be no business ready for consideration.

Mr. HATCH. I desire to make a privileged motion.

Mr. MORRISON. I will hear the gentleman.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills under the special order of April 30, which reads as follows:

Resolved, That Thursday, the 13th day of May, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

Mr. MORRISON. Under the terms of the order must not this be postponed till the completion of the second hour?

The SPEAKER. The Chair did not know for what purpose the gentleman from Missouri rose. The special order to which he refers expressly provides that business of the Committee on Agriculture shall be taken up for consideration after the second call of committees.

Mr. HATCH. Then this will be the next business in order after the second call?

The SPEAKER. It will be in order after that call.

Mr. HATCH. Then I demand the regular order.

Mr. MORRISON. If the gentleman from Wisconsin [Mr. BRAGG] does not desire to proceed, I move that the House adjourn.

The SPEAKER. The second call of committees for the presentation of bills for consideration for one hour rests with the Committee on Military Affairs.

GRADUATES OF UNITED STATES MILITARY ACADEMY.

Mr. BRAGG. I call up for consideration the bill (S. 1424) reported back by the Committee on Military Affairs with an amendment.

The SPEAKER. The bill is in Committee of the Whole House on the state of the Union.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. McMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The bill (S. 1424) for the relief of graduates of the United States Military Academy was read, as follows:

Be it enacted, &c., That no graduate of the United States Military Academy shall be required to refund to the United States any pay or allowances received by him as an officer in the United States Army from the date of the rank given

him by his first commission until taking the oath of office as such, or in consequence of having been granted a leave of absence on full pay upon graduation, in accordance with the uniform practice since the establishment of the Military Academy.

The amendment reported by the Committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert the following:

That every cadet who has heretofore graduated or may hereafter graduate at the West Point Military Academy, and who has been or may hereafter be commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission, without reduction by reason of graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy.

Mr. BRAGG. I offer as an amendment to the amendment of the committee what I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out in the ninth and tenth lines on the second page the words "without reduction by reason of," and inserting in lieu thereof "and during his."

Mr. BRAGG. The object of this bill is to settle and define the pay of the cadet at West Point while he occupies the peculiar position of being a graduate and at the same time holding no commission in the regular Army. The practice has been uniformly, from the organization of the Government down to last year, that the cadet received the pay of a second lieutenant from the time of his discharge from the Academy up to the time when he got his commission and also during the usual graduation leave that was given him after graduation before he entered upon his duties in the Army. During last year the point was made by the accounting officers of the Treasury that a man could not be a lieutenant who was not commissioned, and therefore that a cadet not commissioned did not hold the position of lieutenant. That presented the question what pay he should draw, and, under the decision of the accounting officers, it was held that he should draw the pay of a cadet instead of the pay of a lieutenant.

I maintain that that decision, although it may be strictly within the letter of the law, is absolutely wrong, according to the spirit of the law. The cadet when he graduated ceased to be a cadet. The vacancy made by his graduation was filled under the order of the War Department by the appointment of another cadet. If he was not a cadet, but had moved on from the cadetship, then he was, although not *de jure*, yet *de facto*, a lieutenant in the Army. There was no place for him as a cadet; there was a place for him as a lieutenant, and he was awaiting the issue to him by the Government of his commission, so that he could enter upon his duties in the service. The question thus raised is settled by this bill. The reason of the amendment proposed to that branch of the bill by the Committee on Military Affairs is this: The Senate bill would only prevent the collection of back pay from such lieutenants as it had not already been collected from, leaving a large class of officers in the army who have received the usual allowances still subject to be attacked by the Treasury Department, in each individual case, for the collection of the difference between the pay of a cadet and the pay of a lieutenant, which they had received. The Committee on Military Affairs thought that if we passed the bill in the form in which it came from the Senate it would only partially cure the evil, and the next Congress would be called upon to pass another bill to meet the difficulty in the remaining cases. Therefore the Committee have offered this amendment in order to make the bill apply to all officers who have heretofore received this pay, or who may hereafter receive it, thus settling the whole question at once. So much for that branch of the bill.

As to the other amendment, which makes the clause read: "and during his graduation leave," as I understand it, the accounting officers of the Treasury looked over the law applicable to officers on duty in the army, and found that such officers were not entitled to a leave of more than thirty days in any one year; and that if that time was extended they were put upon half pay. Then, as the graduation leave extends over more than thirty days, the accounting officers applied the scissors to that also, and reduced the pay to half cadet pay. Thus the first ruling held that these cadets were not lieutenants because they had not been commissioned, while the second held that they were sufficiently lieutenants to justify the application of a rule which would cut down the pittance which they had received. The provisions of this bill simply carry into effect what was the uniform practice from the time of the organization of the academy down to the past year. I hope the bill will pass.

Mr. WARNER, of Ohio. Mr. Speaker, I should like a little further explanation of this bill from the gentleman from Wisconsin.

Mr. BRAGG. I have explained it as well as I can, but I will try to satisfy the gentleman.

Mr. WARNER, of Ohio. I thought the gentleman's explanation was satisfactory until I got the bill, but if what I hold in my hand is the correct bill, the explanation is not quite full enough.

Mr. BRAGG. Probably that is not the bill. When I sent for the bill, another one was brought to me.

Mr. WARNER, of Ohio. How long is the pay to continue after graduation?

Mr. BRAGG. The graduation leave generally lasts until the 28th of August or the 1st of September.

Mr. WARNER, of Ohio. And under this bill, as I understand it, the pay is to be that of lieutenant?

Mr. BRAGG. Yes; second lieutenant.

Mr. WARNER, of Ohio. Whether assigned to duty or not?

Mr. BRAGG. Yes.

Mr. WARNER, of Ohio. And permanently so?

Mr. BRAGG. Yes; the pay is that of second lieutenant up to the time of assignment to duty.

Mr. WARNER, of Ohio. Although no vacancy should occur for half a dozen years?

Mr. BRAGG. We passed a law in the last Congress providing for assignments by the President whether there were vacancies or not.

The question being taken on the amendment of Mr. BRAGG to the substitute, it was agreed to; there being—ayes 72, noes 6.

The substitute as amended was then adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it be passed as amended; there being—ayes 85, noes 0.

Mr. BRAGG. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 1424) for the relief of graduates of the United States Military Academy, had directed him to report the same back to the House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. BRAGG moved to amend the title so as to read "An act for the relief of graduates of the United States Military Academy, and to fix their pay."

The amendment was agreed to.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL OF INSTRUCTION FOR CAVALRY AND LIGHT ARTILLERY.

Mr. BRAGG. I now call up the bill (H. R. 7192) which has already been partially considered in the House as in Committee of the Whole. The title of the bill was read, as follows:

A bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BRAGG] state that this bill has been already considered in the House?

Mr. BRAGG. It has been.

The SPEAKER. The Chair finds that on the 4th of May last the Committee of the Whole on the state of the Union, was by unanimous consent, discharged from its further consideration, and it was considered for a time in the House and reached a stage at which the gentleman from Wisconsin demanded the previous question upon ordering the bill to be engrossed and read a third time. Thereupon, as the Journal states, the bill was "laid aside for the present." The Clerk had better report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to establish upon the military reservation at Fort Riley a permanent school of instruction for drill and practice for the cavalry and light artillery service of the Army of the United States, and which shall be the depot to which all recruits for such service shall be sent; and for the purpose of construction of such quarters, barracks, and stables as may be required to carry into effect the purposes of this act the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Secretary of War is hereby authorized and directed to complete the quarters and barracks at Fort D. A. Russell, in the Territory of Wyoming, and also to enlarge and complete the quarters and barracks at Fort Robinson, in the State of Nebraska, to a capacity for a garrison of ten companies; and there is hereby appropriated for the purposes mentioned in this section, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary.

Mr. HOLMAN. Although the previous question was called on this bill when it was under consideration at the last session, I believe there was no action on ordering the previous question. Will the waiving of the right to consider the bill in Committee of the Whole at the last session still operate?

The SPEAKER. The Chair thinks that the order of the House discharging the Committee of the Whole on the state of the Union from the further consideration of the bill can not now be changed unless by unanimous consent, because it is too late, under the rules, for reconsideration by a vote of the House. The Chair desires to state that the consideration of this bill on the 4th of May last was at an evening session set apart by order of the House for the consideration of measures reported from the Committee on Military Affairs. The present occupant of the chair was not in attendance on that occasion, and has no knowledge of the proceedings except as shown by the Journal.

Mr. HOLMAN. My recollection was that the bill was committed to the Committee of the Whole.

Mr. BRAGG. Oh, no.

Mr. HOLMAN. The Journal of course must be accepted as true. I desire to inquire of the gentleman from Wisconsin whether he proposes now to press this bill to a vote.

Mr. BRAGG. I desire to press the bill to a vote now. The Committee on Military Affairs listened to all that was said by the gentleman from Indiana [Mr. HOLMAN] when the bill was under consideration before; nearly the entire opposition to the bill came from him; and I do not wish to have that discussion renewed and continued now, if it can be avoided.

Mr. HOLMAN. I think, however, my friend will remember that the sentiment of the House at that time was that this bill, as to its main purpose, was not necessary.

Mr. BRAGG. There was no such sentiment expressed by the House.

Mr. HOLMAN. I think the subject ought to be fully debated.

The SPEAKER. The question is on ordering the previous question. The question being taken, there were—ayes 75, noes 20.

Mr. BLAND. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. OATES were appointed.

The House again divided; and the tellers reported—ayes 140, noes 23.

So the previous question was ordered, and under the operation thereof of the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). The ayes seem to have it.

Mr. HOLMAN. I call for a division.

Mr. STEELE. I demand the yeas and nays.

The yeas and nays were ordered, 55 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 140, nays 87, not voting 96; as follows:

YEAS—140.

Adams, G. E.	Davenport,	Jackson,	Phelps,
Adams, J. J.	Davis,	Johnson, F. A.	Reed, T. B.
Allen, C. H.	Dibble,	Johnston, J. T.	Rice,
Anderson, C. M.	Dingley,	Ketcham,	Rockwell,
Anderson, J. A.	Dorsey,	Kleiner,	Romeis,
Bacon,	Dowdney,	La Follette,	Rowell,
Baker,	Dunham,	Laird,	Ryan,
Barksdale,	Eldredge,	Lawler,	Sawyer,
Bayne,	Ely,	Lindsley,	Scott,
Belmont,	Ermentrout,	Little,	Scranton,
Bingham,	Evans,	Long,	Shaw,
Bliss,	Everhart,	Lovering,	Steele,
Boutelle,	Farquhar,	Markham,	Stewart, J. W.
Boyle,	Felton,	Maybury,	Stone, E. F.
Brady,	Fleeger,	McComas,	Strait,
Bragg,	Foran,	McKenna,	Struble,
Breckinridge, C. R.	Fuller,	McKinley,	Swinburne,
Breckinridge, W. C. P.	Funston,	Millard,	Taylor, E. B.
Brown, C. E.	Gallinger,	Milliken,	Taylor, I. H.
Brown, W. W.	Grout,	Mills,	Thomas, J. R.
Brunn,	Hale,	Moffatt,	Thomas, O. B.
Buck,	Hayden,	Morgan,	Thompson,
Bunnell,	Haynes,	Morrill,	Tucker,
Burrows,	Henderson, D. B.	Morrison,	Viele,
Campbell, Felix	Henderson, T. J.	Morrow,	Wade,
Campbell, J. M.	Hepburn,	Muller,	Wadsworth,
Campbell, J. E.	Hermann,	Nelson,	Wakefield,
Cannon,	Hewitt,	O'Neill, Charles	Warner, William
Carleton,	Hill,	Osborne,	Weaver, A. J.
Caswell,	Hires,	Outhwaite,	Weber,
Cooper,	Hiscock,	Owen,	White, A. C.
Croton,	Hitt,	Parker,	White, Milo
Curtin,	Holmes,	Payson,	Wilkins,
Cutcheon,	Hopkins,	Peters,	Winans,
Dargan,	Hudd,	Pettibone,	Wolford,

NAYS—87.

Allen, J. M.	Eden,	Lehlbach,	Seney,
Blanchard,	Ellsberry,	Lyman,	Seymour,
Bland,	Ford,	Martin,	Skinner,
Blount,	Forney,	Matson,	Snyder,
Buchanan,	Gay,	McAdoo,	Sowden,
Bynum,	Geddes,	McCreary,	Stahlnecker,
Cabell,	Gibson, C. H.	McMillan,	Swope,
Caldwell,	Glass,	McRae,	Tarsney,
Candler,	Green, W. J.	Miller,	Taulbee,
Catchings,	Hall,	Mitchell,	Taylor, J. M.
Clardy,	Halsell,	Neal,	Tillman,
Cobb,	Harris,	Oates,	Townshend,
Compton,	Hatch,	O'Ferrall,	Turner,
Cowles,	Heard,	O'Neill, J. J.	Ward, T. B.
Cox, S. S.	Hemphill,	Peel,	Warner, A. J.
Cox, W. R.	Herbert,	Pindar,	Weaver, J. B.
Crisp,	Holman,	Randall,	West,
Daniel,	Hutton,	Reagan,	Willis,
Davidson, A. C.	Irion,	Richardson,	Wilson,
Davidson, R. H. M.	Johnston, T. D.	Riggs,	Worthington,
Dawson,	Jones, J. H.	Rogers,	
Dockery,	Lanham,	Sayers,	

NOT VOTING—95.

Aiken,	Bound,	Collins,	Findlay,
Atkinson,	Brown, T. M.	Comstock,	Fisher,
Ballentine,	Burleigh,	Conger,	Frederick,
Barbour,	Burnes,	Crain,	Gibson, Eustace
Barnes,	Butterworth,	Culberson,	Gillfillan,
Barry,	Campbell, T. J.	Dougherty,	Glover,
Bennett,	Clements,	Dunn,	Goff,

Green, R. S.	Le Fevre,	Pirce,	Stone, W. J., Ky.
Grosvenor,	Libbey,	Plumb,	Stone, W. J., Mo.
Guenther,	Lore,	Ranney,	Storm,
Hammond,	Louttit,	Reid, J. W.	Symes,
Hanback,	Lowry,	Reese,	Taylor, Zach
Harmer,	Mahoney,	Robertson,	Throckmorton,
Henderson, J. S.	Merriman,	Rusk,	Trigg,
Henley,	Murphy,	Sadler,	Van Eaton,
Hiestand,	Neece,	Sessions,	Van Schaick,
Houk,	Negley,	Singleton,	Wait,
Howard,	Norwood,	Smalls,	Wallace,
James,	O'Donnell,	Spooner,	Ward, J. H.
Jones, J. T.	O'Hara,	Spriggs,	Wellborn,
Kelley,	Payne,	Springer,	Wheeler,
King,	Perkins,	Stephenson,	Whiting,
Laffoon,	Perry,	Stewart, Charles	Woodburn.
Landes,	Pidecock,	St. Martin,	

So the bill was passed.

During the roll call,

On motion of Mr. WEAVER, of Iowa, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced for this day:

Mr. TOWNSEND with Mr. HARMER.

Mr. BENNETT with Mr. GILFILLAN.

Mr. KING with Mr. GROSVENOR.

Mr. WARD, of Illinois, with Mr. HOUK.

Mr. COLLINS with Mr. GOFF.

The vote was then announced as above recorded.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUSTER AND PAY OF VOLUNTEER FORCES.

Mr. CUTCHEON. I now call up for consideration at this time the bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 3, 1864."

The SPEAKER. Is the bill in the Committee of the Whole House on the state of the Union?

Mr. CUTCHEON. This bill was considered in the House. The amendment was adopted, and the bill was ordered to be engrossed and read a third time; the previous question was pending, but the question of a quorum being raised, the bill was informally withdrawn. I now move the previous question on the passage of the bill. It will be found in the RECORD, May 4, page 4170.

The SPEAKER. The pending question is on the demand for the previous question.

Mr. REED, of Maine. Will there be debate after that?

The SPEAKER. The Chair will examine it. This bill was considered at an evening session, when the present occupant of the Chair was not present, and therefore knows nothing about it.

Mr. CUTCHEON. The bill was debated fully and amended and ordered to be engrossed and read a third time. The pending question is on its passage.

Mr. MCKINLEY. Let the gentleman explain what the bill is.

The SPEAKER. The Chair will state that the hour for the consideration of bills has expired for to-day, and this will, therefore, go over until to-morrow.

ORDER OF BUSINESS.

Mr. CALDWELL. I desire to call up for present consideration a special order made April 22. The order is as follows:

Resolved, That Thursday, the 6th day of May, 1886 (and from day to day thereafter until disposed of), immediately after the morning hour for the consideration of bills and resolutions, be set apart for the consideration of Senate bill No. 9, to provide for and regulate the electoral count; not to interfere with revenue or general appropriation bills, the river and harbor bill, nor with prior orders, nor with the consideration of reports from the Committee on Public Lands under the special order; and if the consideration of said Senate bill No. 9 be displaced, then the next day not previously set apart shall be devoted to its consideration until the same shall be disposed of, subject to the above-mentioned interference.

I think, Mr. Speaker, it takes precedence, and I now call it up for consideration.

Mr. HATCH. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HATCH. Has the second morning hour expired?

The SPEAKER. It has some time ago.

Mr. HATCH. I did not hear the Chair so announce it.

The SPEAKER. The Chair did announce it.

Mr. HATCH. I renew my motion, which was pending at the time the second hour began.

The SPEAKER. The gentleman's motion is not pending, as it is not in order. But the gentleman has the right to submit his motion, that is to say, he has the right to antagonize the motion of the gentleman from Tennessee by presenting the motion he desires to.

Mr. HATCH. I renew my motion to proceed to the consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, under the special order which has been already read.

The SPEAKER. The gentleman from Tennessee [Mr. CALDWELL] calls up for consideration the special order made for the 6th of May last, relating to the count of the electoral votes. Pending that the gentle-

man from Missouri [Mr. HATCH] calls up for consideration the bill, the title of which has just been read. The question will first be taken on the motion of the gentleman from Tennessee, for the reason the order of the House sets the bill to which his motion refers for the 6th of May, while it sets the bill to which the motion of the gentleman from Missouri refers for the 13th day of May. Does the gentleman from Missouri raise the question of consideration against the bill to which the motion of the gentleman from Tennessee refers?

Mr. HATCH. I do.

The SPEAKER. The question is will the House proceed to the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HATCH demanded a division.

The House divided; and there were—ayes 101, noes 27.

Mr. HATCH demanded the yeas and nays.

The yeas and nays were not ordered, only 23 voting in the affirmative—not one-fifth of the last vote.

So the motion was agreed to, and the House determined to proceed with the consideration of the electoral count bill.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The bill (S. 9), with the amendments reported by the Select Committee on the Election of President and Vice-President, was then read, as follows:

[Omit the parts in brackets and insert the parts printed in italics.]

An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Be it enacted, &c., That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the Legislature of such State shall direct.

Sec. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

Sec. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President; and section 136 of the Revised Statutes is hereby repealed; and if there shall have been any final determination in a State of a controversy or contest as provided for in section 2 of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

Sec. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one *lawful* return has been received shall be rejected [except by the affirmative vote of both Houses]. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made, or by such

successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which [the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State] were cast by electors whose appointment shall have been duly certified under the seal of the State by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Passed the Senate March 17, 1886.

Attest:

ANSON G. MCCOOK, Secretary.

The report (by Mr. CALDWELL) was read, as follows:

Mr. CALDWELL, from the Select Committee on the Election of President and Vice-President, submitted the following report, to accompany bill S. 9:

The committee has had under consideration Senate bill No. 9, to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, and report the same back to the House with amendments, as follows:

(1) A verbal amendment in the third section, line 22, insert, after the words "state of," the word "a," so that it shall read, "state of a controversy or contest," &c.

(2) A material amendment to section 4, lines 38, 39, is as follows: Strike out after the words "shall be rejected" the words "except by the affirmative votes of both Houses," and insert after the word "one," in the same line, the word "lawful," so that the clause shall read "and no electoral vote or votes from any State from which but one lawful return has been received shall be rejected."

The majority of the committee were of the opinion that where there was but a single return from a State the two Houses should not have the power to reject the vote of the State.

(3) A material amendment is to the same section (No. 4), lines 61, 62, 63, after the word "which" to and including the word "State." At the end of the sentence strike out the words "the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State," and insert the words "were cast by electors whose appointment shall have been duly certified under the seal of the State, by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State;" so that the clause will read "and in such case of more than one return, or paper purporting to be a return, from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which were cast by electors whose appointment shall have been duly certified under the seal of the State, by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State."

The bill as it passed the Senate provided that where there was more than one return from the State, and no tribunal established in the State to decide the question between the contesting electors, only those votes should be counted which the two Houses, acting separately, should concur in deciding were the lawful votes of the State.

The committee were of the opinion that where there was more than one return from a State, and but a single State government, the vote of the State legally certified by the executive to have been cast by the legally appointed electors should be counted, unless both Houses concur in rejecting the vote.

Should these amendments be adopted by the House and the bill pass, the mode of counting the electoral vote may be thus briefly stated: In those States where a tribunal has been established, under the laws thereof, for the determination of contests concerning the appointment of electors therein, and such tribunal has decided what electors were duly appointed, the determination of the State tribunal shall be conclusive. Where there is but one return from a State the vote so returned shall be counted.

But in case there should arise the question which of two, or more, of such State authorities determining what electors have been appointed is the lawful tribunal of such State, the votes of the electors of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws.

Under the amendment, where there is but one State government and two sets of returns purporting to be the vote of the State, then that return shall be counted which is supported by the certificate of the executive of the State, under the seal thereof and in accordance with its laws, unless both Houses, acting separately, shall concur in deciding that the vote so certified and returned is not the lawful vote of the State.

The bill provides the means of determining what is the vote, how it shall be counted, its count, and the authoritative declaration of the result.

The two Houses are, by the Constitution, authorized to make the count of electoral votes. They can only count legal votes, and in doing so must determine, from the best evidence to be had, what are legal votes; and if they can not agree upon which are legal votes, then the State which has failed to bring itself under the plain provisions of the bill, and failed to provide for the determination of all questions by her own authorities, will lose her vote.

Congress having provided by this bill that the State tribunals may determine what votes are legal coming from that State, and that the two Houses shall be bound by this determination, it will be that State's own fault if the matter is left in doubt.

The power to determine rests with the two Houses, and there is no other constitutional tribunal.

Congress prescribes the details of the trial and what kind of evidence shall be received, and how the final judgment shall be rendered.

The interests involved are too precious and the dangers too great to be left longer without adequate provisions against trouble and discord.

Mr. CALDWELL. Mr. Speaker, this bill if passed will be an authoritative expression of the Constitution erected into law in advance of any complication which may again arise, as it has in the past, as to the counting the electoral votes of the States and the declaration of the result. The power of the President of the Senate to count the vote was understood to have been claimed in 1857 in the case of the electors from Wisconsin; but upon its being challenged both in the House and Senate, that officer disclaimed any such assumption. This claim was again set up in the year of disgrace, 1876, by a cabal, which had determined, in addition to debauching the Electoral College, to usurp the power of the two Houses and give it to one man. This was defeated, notably under the lead of a courageous and honest Senator from the State of New York.

While it is true that the Electoral College, and not Congress, is charged with the duty of making the election of President and Vice-President, and that the selection of the electors belongs exclusively to the States, and no department of the Federal Government is allowed to participate in the creation of the electors; and while this is committed to the States the sole choice of the electors, whose function is to choose an Executive of the Federal Government, the right is also reserved to that Government, through and by the agency and under the supervision of the Senate and House of Representatives, to judge of the legality of returns, and to preserve itself from lapse or interregnum in the succession of its Chief Magistrate. The power of the two Houses in counting the vote is something more than ministerial and perfunctory merely.

Congress may provide by law or joint rule the manner of counting the vote. The presence of the two Houses when the vote is counted is a constitutional injunction, and is required from the fact that if there is no election by the electors, the duty of electing a President is devolved upon the House of Representatives; and of a Vice-President, upon the Senate. They are to be present at the count to ascertain and declare the result, if any, of the action of the Electoral College; or, in default thereof, to separate and elect the officers themselves. They are to count the votes. What votes? Legal votes. Then they are to determine what are legal votes, and who has a majority of legal votes. The power to judge of the legality of the votes is a necessary consequent of the power to count. The existence of this power is of absolute necessity to the preservation of the Government. The interests of all the States in their relations to each other in the Federal Union demand that the ultimate tribunal to decide upon the election of President should be a constituent body, in which the States in their federal relationships and the people in their sovereign capacity should be represented.

The States, in electing a President and Vice-President of the United States, are not exercising their State sovereignty as they are in electing their governors and other State officers. They are exercising constitutional functions, and are in the performance of a duty necessary to the maintenance of the Federal Government. Each State is the constitutional agent of the Federal Government in this matter, and must act within the scope of her agency and under the direction and law of her principal in providing an officer who is not the head of one State, but of all the States under the Constitution. For instance: Her votes must be cast upon the prescribed day, and for two citizens, one of whom must be a citizen of another State. Each State may appoint as electors a number, no more and no less, but equal to her number of Senators and Representatives in Congress.

The mode of their appointment is left solely to the States, but the elector is a Federal functionary, as much so as a Senator or a Representative. And the duties of an elector, as soon as he is chosen by the State, are prescribed by the Constitution of the United States. "They shall vote by ballot." "They shall make lists of the persons balloted for." "They shall sign and certify them;" "they shall seal and transmit them to the President of the Senate," etc. After the elector has done all required of him and deposited the vote in the hands of the President of the Senate, the Constitution then fixes the day when he shall open them in the presence of the Senate and House of Representatives, when "the vote shall be counted."

This bill is to prescribe the mode in which this count shall be made, and supply the omission that exists under the first article of the Constitution, which gives Congress all power to make all laws necessary to carry out these provisions. The passage of this bill will settle all the questions which have arisen from time to time as to the electoral count.

It will decide, first, that the power to count the vote is not in the President of the Senate.

Second, that it is in the two Houses of Congress, not ministerially merely, not as witnesses,

Capable of nothing but inexplicable dumb show and noise;

but with power to count, and the consequent power to decide upon the legality of the votes to be counted.

Third, that the action of the two Houses shall be separate and concurrent upon all questions of contest arising under the count, but joint as to results, thus preserving the dignity and rights of the two bodies by conceding to each equal and concurrent powers in counting and judging of the validity of electoral votes without merger of the lesser body into the numerically greater.

The apprehension that this bill contains anything inimical to State rights is fanciful and unreal. Even as it came from the Senate without the amendments proposed by the committee, it is not, in my opinion, amenable to such criticism. The object of the proposed amendments to the Senate bill is to remedy any lurking danger in its provisions, which it may be apprehended is ready to spring, lion-like, upon States and overcome them before they could summon their powers of resistance.

The minority of the committee fear that the reservation of the right to Congress to see that the one return of a State is a lawful return "may afford a pretext for usurpation by Congress of the power to disfranchise a State." It is certainly absurd to try to deny to Congress the power to remedy an unlawful return, although it might be the only return.

Instances have been often cited and may be again. Under section 4, article 4, of the Constitution "the United States shall guarantee to every State in the Union a republican form of government." Suppose some State should enthrone a king, constitute a house of lords, and they should appoint electors, and send up but one return properly certified and finally determined as required under the second section of the bill proposed by the minority. Shall an American Congress count such a vote? Suppose under the fourteenth amendment, which deprives a State of electoral votes in proportion as that State shall have denied the right to vote to its citizens of color—suppose there is but one return of that State, duly certified, of the full number of electors, who is to decide the number to be deducted? In neither case, if a future Congress would obey such a law, could Congress help itself from counting such illegal votes, although both Senate and House of Representatives might know that they violated these sections of the Constitution to count them. The majority of the committee thought there might be danger in giving unlimited power to both Houses to disfranchise a State from which there was but one return if they should concurrently decide to reject the return, but felt constrained by the force of the consideration that there was equal danger in forcing Congress to count an illegal return, and had a suspicion that no power in a statute would be found sufficient to make Congress count, whether or no, votes that both Houses had concurred in declaring illegal and that should not be counted.

The separate concurrent action of both Houses provided for in the bill preserves the constitutional identity, rights, and dignity of each. This concession of each House to the other of equal and concurrent power to decide on informalities and illegalities appearing on the face of returns, upon objection of a Senator or Representative, is necessary to the determination of results.

The determination of the question as to the right to the chief executive office of a nation is a prerogative necessary to the preservation and peace of the government.

This necessary power for the Federal Government must be exercised so as not to do detriment to the separate States.

By this bill a State may confine that necessary power within the narrowest possible bounds by making provision to determine all controversies as to her vote.

At last, what is the body the Constitution invests with the authority to count the electoral vote? Is it a foreign or hostile assembly? Is it in any sense antagonistic to or non-representative of the States? It is composed of that body, the Senate, which, under the Constitution, represents the autonomy of the States as such, and that body, the House of Representatives, which represents the people, who constitute the States. Hence, if the State has not provided authorities to decide for whom its electoral vote is cast, then that question shall be decided by a body composed of the Representatives and Senators of all the States.

Under the Constitution who else could decide? Who is nearer to the State in determining a question of vital importance to the whole union of States than the constituent body upon whom the Constitution has devolved the duty to count the vote? But all apprehensions of State disfranchisement are remote and founded in part, at least, upon an assumption that can not obtain that the States will fail to perform their legal duties as to the choosing of electors. I submit that this is an assumption that can not be acted upon by a legislative body in the enactment of laws. In addition to the sense of duty abiding in the States of the Union to authoritatively and in their own way declare and legally certify their choice of electors in order to the election of President and Vice-President of the United States, this law puts a premium upon diligence in the discharge of that duty by the States.

It will be perceived that this bill is not predicated upon the idea of throwing the two Houses into convention and merging the smaller body, the Senate, into the larger body, the House of Representatives, and

voting *per capita*. It is submitted that no constitutional warrant can be found for such an idea.

Mr. Speaker, I do not care to consume further the time of the House in the discussion of the bill at the commencement of the debate upon it, believing that it will be the wish of the House to discuss it hereafter in all of its details; and I am willing that there shall be reasonable time for discussion; but I do desire, before taking my seat, to call your attention to one verbal change which will be suggested in the body of the bill as printed. I do not know that I can call it an amendment, nor does it appear among the printed amendments incorporated in the report. It will be noticed in the 38th line, on the 5th page of the bill, that this phrase occurs:

And the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one lawful return has been received shall be rejected, &c.

The committee, after suggesting the propriety of inserting the word "lawful" before the word "return," concluded, in deference to the views of the minority, and in order to obviate possible objections to the bill, that they would recommend to the House, and would agree, that this word should be stricken out. The reason is, as you will perceive, that it is unnecessary. The Houses have the power to count; and hence to decide, what is lawful to be counted, and to express it in this connection, it seemed to the committee, or to the minority of the committee at any rate, would give to Congress the arbitrary power to decide what was a lawful return, even in case where but one return was received from a State.

I shall not at the opening of the discussion detain the House further, but will reserve the remainder of my time, yielding the floor for the present to any gentleman who desires now to discuss the provisions of the bill; but will within a reasonable time resume the floor and call the previous question, and thus test the sense of the House on the adoption of this measure.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The gentleman has 40 minutes of his time remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

It further announced the adoption of the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. LEWIS BRACH, and of the death of Hon. JOHN ARNOT, Jr., late Representatives from the State of New York.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM T. PRICE, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased, at his residence in the State of Wisconsin; and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The message further announced that the President *pro tempore* had appointed Mr. SPOONER, Mr. MANDERSON, and Mr. BLACKBURN the committee on the part of the Senate under the foregoing resolution.

And then, on motion of Mr. BOYLE (at 2 o'clock and 47 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Michael Flynn—to the Committee on Invalid Pensions.

By Mr. BELMONT: Petition of Schuyler Hamilton, to have his record as an Army officer corrected, &c.—to the Committee on Military Affairs.

By Mr. CASWELL: Petition of the conference of the Methodist Episcopal Church in Wisconsin, praying for protection of the lives and property of Chinese in this country—to the Committee on Foreign Affairs.

By Mr. GLASS: Petition of W. J. Vaughn, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of George W. Colby, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill making an appropriation of \$25,000 for continuing improvement of Upper Willamette River and mouth of Yam Hill River, in the State of Oregon—to the Committee on Rivers and Harbors.

Also, a bill making an appropriation of \$20,000 for continuing improvement of Umpqua River below Scottsburg, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$25,000 for continuing the

improvement of the Upper Columbia and Snake Rivers, in the State of Oregon and Washington Territory—to the same committee.

Also, a bill making an appropriation of \$55,000 for continuing the improvement of entrance to Coquille River, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$200,000 for continuing the improvement of the entrance of Yaquina Bay, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$300,000 for continuing the improvement of the Willamette and Columbia Rivers below Portland, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$100,000 for continuing the improvement of the entrance of Coos Bay, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$500,000 for existing improvement and construction of canal and locks at the Cascades of the Columbia River, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of \$900,000 for continuing the improvement at mouth of Columbia River, in the State of Oregon and Washington Territory—to the same committee.

By Mr. JOSEPH: Petition of the Women's Temperance Union, of the Territory of New Mexico—to the Committee on Education.

By Mr. LAWLER: Petition of Charles Atkinson, for relief—to the Committee on Invalid Pensions.

Also, petition of E. H. Brodie, of Astoria, Oreg., for relief—to the Committee on Pensions.

By Mr. MAYBURY: Petition of members of the jury in attendance on the session of the United States courts for the eastern district of Michigan, for an increase of per diem allowed jurors to \$3—to the Committee on the Judiciary.

By Mr. MORGAN: Petition of Angeline Floyd, of Benton County, and of Enoch P. Ward, of Benton County, Mississippi, for relief under the act of March 3, 1883, called the Bowman act—to the Committee on War Claims.

By Mr. PARKER: Petition of Alden L. Williams for a special-act pension—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of E. Y. Andrews, of Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Petition of C. A. Story, favoring House bill 303—to the Committee on Education.

By Mr. WAIT: Petition of Mrs. Mary Lathrop, for a pension—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of Brick-molders' Union of Richmond, Va.—to the Committee on Labor.

SENATE.

WEDNESDAY, December 8, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

ALFRED H. COLQUITT, a Senator from the State of Georgia, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

REPORT OF ATTORNEY-GENERAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting the annual report of the Department of Justice for the year 1886; which was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of F. V. Morrison, Hunken & Bischoff, and 107 other citizens of New York, praying that Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for improving the Harlem River, New York, for a sum not exceeding \$1,495,000, the work to be completed July 4, 1889; which was referred to the Committee on Commerce.

Mr. EDMUNDS presented the petition of Ida May Welton, of Groton, Vt., praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Rev. John Anketell, A. M., presbyter of the diocese of New York, praying for legislation providing for the adoption of an amendment to the Constitution of the United States giving Congress power to pass uniform laws on the subject of marriage and divorce; which was referred to the Committee on the Judiciary.

He also presented the petition of A. Brown and other citizens of Pawlet, Rutland County, Vermont, and the petition of L. G. Whitford and other citizens of Addison, Addison County, Vermont, praying for the passage of the bill providing for the establishment of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. W. Stickney and other citizens of Windsor and Rutland Counties, Vermont, praying for the passage of

an act granting a pension to Henry Sprague; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Hannah R. Langdon, of Burlington, Vt., praying for a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present resolutions of the Legislature of the State of Vermont in favor of the establishment of agricultural experiment stations.

These resolutions, like a great many others presented, are not addressed as a memorial to Congress, but state the opinions of the Legislature and their instruction or request to their representatives in Congress to support such measures. Technically, within the rule, therefore, they are not entitled to be read, and I do not suppose the Legislature would care about their being read. I simply ask that these resolutions be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. EDMUNDS. I present similar resolutions, stating the opinion of the Legislature of the State of Vermont, and addressed to the Senators and Representatives, in favor of making provision, by act of Congress, against aliens acquiring an excessive quantity of public lands; and I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. EDMUNDS. I present similar resolutions in the same form in favor of granting pensions to Union soldiers who have suffered under imprisonment in rebel prisons, and I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. SAWYER presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, through M. S. Merrill, president, praying for legislation in behalf of Chinese laborers in the United States, and also for the passage of the so-called indemnity bill; which was referred to the Committee on Foreign Relations.

Mr. PLUMB presented a petition of citizens of Coffey County, Kansas, praying that an increase of pension be granted to Andrew Franklin, a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers, citizens of White City, Kans., praying for such legislation as will equalize the pay of ex-Union soldiers and sailors with the pay of holders of national securities; which was referred to the Committee on Finance.

Mr. SABIN presented the petition of Joseph P. Wilson, of Minnesota, praying legislation to give effect to Article IX of the treaty of June 19, 1858, between the United States and certain bands of Dakota Indians; which was referred to the Committee on Indian Affairs.

BILLS INTRODUCED.

Mr. EDMUNDS. I introduce a bill to amend section 3749 of the Revised Statutes, regarding the legal methods of disposing of certain property; which I ask may be twice read and referred to the Committee on the Judiciary.

The bill (S. 2920) amending section 3749 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON (by request) introduced a bill (S. 2921) to authorize the Fremont, Elkhorn and Missouri Valley Railroad Company to build its road across the Fort Meade Military Reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON. I introduce a bill to increase the efficiency of the officers of the line of the Army of the United States by amending section 1204 of the Revised Statutes so as to provide as to all line officers the same character of examination for promotion that is required of officers of the Ordnance, the Engineer, and the Medical Departments of the Army. This is a matter which has been recommended by the Secretary of War in his late report, and, as it is a subject of some interest, I ask that the bill may be printed at length in the RECORD, and that it be referred to the Committee on Military Affairs.

The bill (S. 2922) to increase the efficiency of the officers of the line of the Army of the United States was read twice by its title, and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks an order to print the bill in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The bill is as follows:

A bill to increase the efficiency of officers of the line of the Army of the United States.

Be it enacted, &c., That section 1204 of the Revised Statutes of the United States of America be amended so as to read as follows:

"SEC. 1204. Promotions in the line shall be made through the whole Army, in the several lines of artillery, cavalry, and infantry, respectively. No officer of artillery, cavalry, or infantry below the rank of field officer shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three officers of the same arm of the service seniors to him in rank. If an officer fail on such examination, he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination he shall be dismissed from the service: *Provided*, That all officers of the Army who have served as officers in the volunteer forces or as enlisted men in the armies of the United States, regular or volun-